

Remarks

By virtue of this amendment, claims 1-19 and 21-25 are currently pending in this application. Claim 20 has been canceled without disclaimer or prejudice.

In an August 9, 2006 Office Action, the Examiner requested that the applicant remove the brackets indicating the claim numbers. By virtue of this amendment, the brackets and claim numbers have been removed. The Examiner also requested the grammar of claim 8 be corrected. In particular, the Examiner requested correction of the recitation of “launching a viewer the provided means.” Claim 8 has been amended to recite “launching the provided means to view at the local processor.” Finally, the Examiner requested the applicant to properly number claim 18. The applicant has added the numeral 18 to the claim to properly identify the claim. The applicant respectfully thanks the Examiner for indication of these formal matters. Should additional typographical correction be necessary, the Examiner is invited to call the undersigned to discuss the same.

Rejection of Claims 1-16 and 25 Under 35 U.S.C. § 101

Claims 1-16 and 25 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. This rejection is respectfully traversed; however, to expedite the prosecution of the application the claims have been amended. In particular, the claims have been amended to clarify that the computer program product is contained on a computer readable medium, such as, a RAM, ROM, CDROM, DVD, a magnetic disk, optical disk, or the like. Moreover, the Examiner is reading the term association outside how that term is used in the specification, claims, and understood by one of ordinary skill in the art. However, again to expedite prosecution, the claims have been amended to clarify associate is an operable electronic link between the transcript files and exhibit files. As these additions simply clarify recitations already contained in the claims as the provided terms would be understood by one of ordinary skill in the associated art, it is respectfully submitted that the claims are non-narrowing. Withdrawal of the rejection under 35 U.S.C. § 101 is respectfully requested.

Rejection of Claims 1-25 Under 35 U.S.C. § 102(a)

The Examiner rejected claims 1-25 under 35 U.S.C. § 102(a) as being anticipated by published United States patent application publication number US 2003/0078973 (“Przekop et al.”) The applicant respectfully traverses the rejection.

As amended, claim 1 has been clarified to recite “establishing an operable electronic link in at least one of the electronic transcript files between the at least

one of the electronic transcript files and at least one of the electronic exhibit files . . . and . . . providing a means on the computer readable medium to view the one or more electronic transcript files and the operably linked one or more electronic exhibit files,” which is not shown, disclosed, or inherent in Przekop et al. Rather, Przekop et al. relates to synchronizing an electronic transcript textual file with an electronic transcript audio/video file. In other words, Przekop et al. essentially relates to synchronizing the same information in to different file formats whereas the present invention provides an “operable electronic link in at least one of the electronic transcript files . . . [to] at least one of the electronic exhibit files,” which are files containing different information.

The Examiner takes the position that the audio/video file is equivalent to the exhibit file. However, the applicant respectfully disagrees. In fact, Przekop et al. relates to only an electronic TRANSCRIPT file and is completely silent regarding an electronic exhibit file. In particular, Przekop et al. discloses providing synchronization of two versions of the electronic transcript file having essentially identical data contained in different formats, in other words, synchronizing the TEXTUAL electronic transcript file with the AUDIO/VIDEO electronic transcript file. By definition, these files contain the same information or data, just in different formats. Conversely, claim 1 establishes “an operable electronic link in at least one of the electronic transcript files between the at least one of the electronic transcript files and at least one of the electronic exhibit files.” The electronic link could be provided in either an AUDIO/VIDEO electronic transcript file or a TEXTUAL electronic transcript file. Moreover, the linked files is different than the electronic transcript. Thus, for at least this reason, claim 1 is not anticipated by Przekop et al.

Additionally, because there is one-to-one harmony between the data in the electronic transcript textual file and the electronic transcript audio/video file “each transcript line is synchronized to corresponding portion of the video/audio record, each transcript line containing a selectable link to the corresponding portion of the video/audio record.” (Przekop et al., abstract). Thus, each line of the electronic transcript must be provided with a One-to-One link to the corresponding transcript audio/visual file. In other words, one electronic transcript is line by line linked to the one audio/visual file. Conversely, claim 1 of the present application relates to “establishing an operable electronic link in at least one of the electronic transcript files between the at least one of the electronic transcript files and at least one of the electronic exhibit files.” This is a Many-to-Many relationship as many different

electronic transcripts may call out the same exhibits and the same exhibit may be linked to a single electronic transcript in multiple places. Because Przekop et al. relates to only two files that must have a One-to-One relationship, association, or link, it cannot be modified to provide links to exhibits that may occur multiple times over a single deposition or occurs over multiple depositions. In fact, to link different electronic transcript textual files to a single electronic transcript audio/video file is a “nonsequitur.” Similarly, linking different electronic transcript audio/video files to a single electronic transcript textual file is meaningless or absurd because there would be no correlation between the different files.

Thus, for at least the above referenced reasons, claim 1 is not anticipated by Przekop et al.

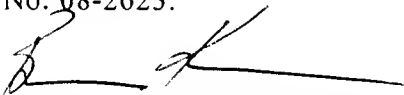
Independent claims 17 and 25 as amended contain limitations similar to amended claim 1 outlined above and, at least by virtue of the similarity, are not anticipated by Przekop et al. Claims 2-16, 18, 19, and 21-24 depend directly or indirectly from claims 1 and 17 and, at least by virtue of the dependency, are not anticipated by Przekop et al.

Conclusion

Based on the foregoing, the applicant respectfully requests the Examiner withdraw the pending rejections and allow claims 1-19 and 21-25.

In the event any fee is due for entry of this reply, including a fee for an extension of time, is not otherwise accounted for, please charge such fee or credit any overpayment to Deposit Account No. 08-2623.

January 29, 2007



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